Mapleton City Planning Commission Staff Report
Meeting Date: October 22, 2009

Item: 2 **Applicant:** Mary Ann Peay **Parcel #:** 26:007:0049 **Zone:** A-2 **Prepared by:** Matt Brady **Public Hearing Item:** Yes **Council Action Required:** No	**REQUEST** Mary Ann Peay requests approval of a Home Occupation Permit for The Dance D.E.C.O. Company, located at 1417 East 1600 North in the A-2 Zone.

APPLICANT HAS ASKED TO PUT THIS HOME OCCUPATION REQUEST ON HOLD UNTIL SUMMER/FALL 2010.

FINDINGS OF FACT:

1. Home occupations that involve clientele visiting the business must be approved by the Planning Commission (see Mapleton City Code 18.84.380(G)(3)).
2. The Planning Commission may attach conditions to the Home Occupation Permit which relate to "*health, safety and quality of the residential environment*" (see Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions).
3. The Applicant is requesting approval of a home occupation permit for a dance class business, with 10-12 students proposed (see Attachment #1 – Home Occupation Permit Application for more information). No employees are proposed.
4. An inspection by the Fire Inspector is still pending.

STAFF ANALYSIS:

1. A building permit for the home at 1417 East 1600 North was issued April 1987. On October 5, 1987, a Warranty Deed (Entry # 37431-1987) was recorded at the Utah County Recorder's office, splitting the parcel upon which the home was located into 2 parcels – 26:007:0049 and 26:007:0030. Mapleton City has had a subdivision code since 1980 which requires all land splits to go through subdivision process with Mapleton City. Also, parcel # 26:007:0049 does not meet the minimum frontage requirement for the A-2 Zone (200 feet of frontage required). Thus, it is the opinion of Staff that parcels # 26:007:0049 and 26:007:0030 are illegal lots. It is the opinion of Staff that these lots should be recombined prior to the issuance of a business license for the proposed home occupation.
2. According to Utah County records, the total living area of the home is approximately 6,153 square feet. According to the Applicant, the room to be used for the home occupation is approximately 453 square feet, or approximately 7.36% of the home. Mapleton City Code 18.84.380(D)(3) states: "*The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.*" The Applicant meets this requirement.
3. Mapleton City Code 18.84.380(D)(7) states: "*Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.*" It is the opinion of Staff that the intent of this ordinance section is to limit the number of cars outside the garage to no more than six.

RECOMMENDED ACTION:

Staff recommends approval of the home occupation with Conditions.

CONDITIONS OF APPROVAL:

1. Parcels # 26:007:0049 and parcel # 26:007:0030 shall be recombined into one parcel by deed prior to issuance of a

business license.

2. The maximum number of vehicles to be parked outside the home shall be 6 at any one time.

3. Inspection for the home occupation must be passed by the Fire Inspector.

4. Occupancy limits shall not exceed those specified by International Fire Code, as determined by the Fire Inspector.

5. That the Applicant comply with all other requirements of Mapleton City Code <u>18.84.380: HOME OCCUPATIONS</u>.

ALTERNATIVE ACTIONS:

1. The Planning Commission may Deny the Home Occupation Permit. Reasons for denial should be stated in the motion.

2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.
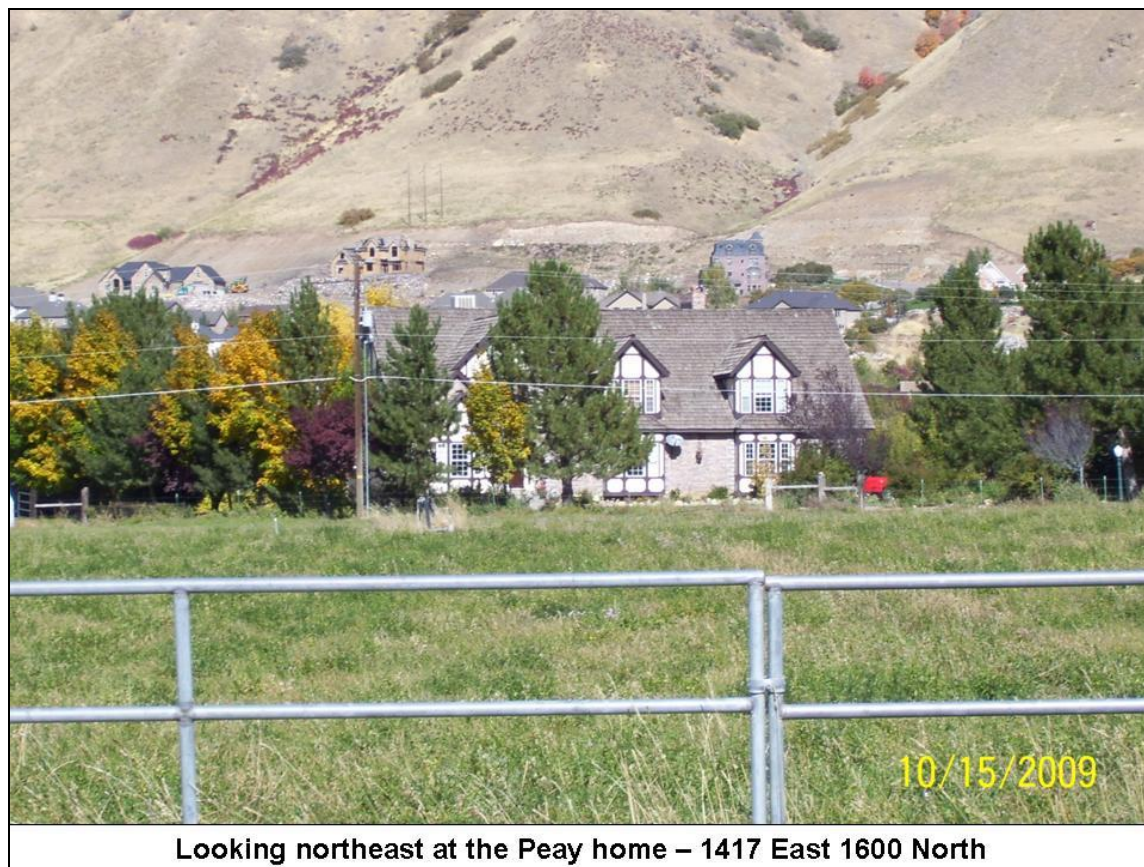
ATTACHMENTS:

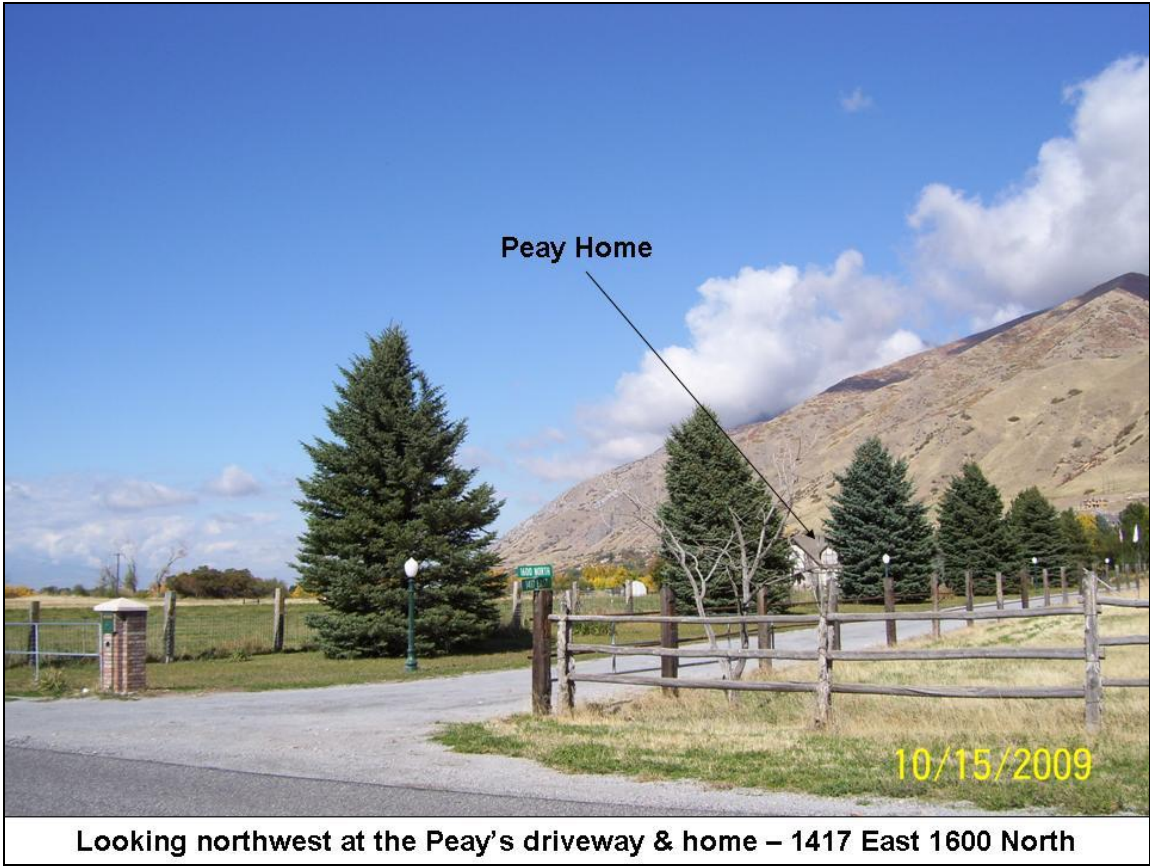1. Home Occupation Permit Application

VICINITY MAP:

SITE PHOTOS:

Looking northeast at the Peay home – 1417 East 1600 North

Looking northwest at the Peay's driveway & home – 1417 East 1600 North